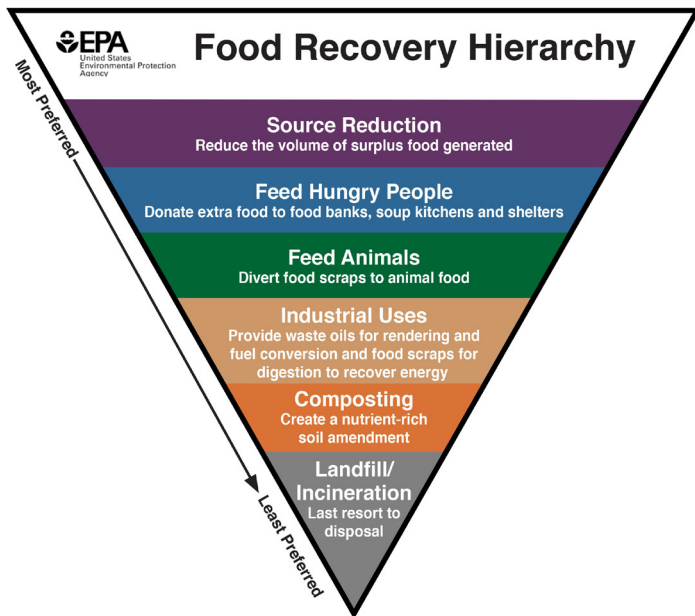


# NEW JERSEY FOOD DONATION



## Why Donate Food?

The US EPA's Food Recovery Hierarchy ranks feeding hungry people as a top strategy for reducing food waste. While food donation does not solve the root causes of food insecurity, it is critical for channeling appropriate food to people in need.



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There are **49 million people** in the US, including more than **16 million children**, who are food insecure, at risk of going hungry or lack adequate access to wholesome food



More than **760,000 people** in New Jersey are facing hunger every day, and more than **190,000 of these are children**



In September 2015, the first-ever national food loss and waste goal in the US was launched, calling for a **50% reduction by 2030**



In July 2017, the first NJ food waste legislation was passed. Bill S3027 states NJ will reduce its municipal solid food waste by **50% come 2030**



## Foods That Can Be Donated

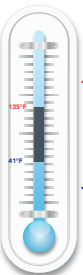
- **Hot Food** not served and kept at temperature and/or cooled properly  
entrees, soups
- **Cold Food** not served and kept at temperature
  - sandwiches, yogurt parfaits, salads
- **Whole or Cut Produce**
  - strawberries, lettuce, onions, tomatoes, herbs
- **Foods past “best by”/“sell by” dates** but that are fit for consumption
- **Beverages**
  - juice, bottled water, lemonade, tea
- **Packaged Shelf Stable Items**
  - dry pasta, canned vegetables, pudding
- **Pasteurized Dairy Products**
  - sour cream, milk, yogurt, cheese
- **Raw Meat** (beef, chicken, pork)
- **Foods that are past its “best by” or other open date but still fit for consumption**
  - “packed on,” “sell by”

## Foods That Cannot Be Donated

- **Previously served food** such as from a buffet
- **Distressed foods**
  - foods damaged by flood, fire, smoke
- **Food in sharply dented or rusty cans**
- **Food in opened or torn containers**
- **Foods with an expiration date or “do not use after” date**

## Remember to Follow Food Safety Guidelines

Food that require Time Temperature Control for Safety (TCS) needs to be handled with care to ensure it is still fit for human consumption. Proper time and temperature control practices must be followed.



**Food Temperatures**

Hot foods must be kept at **135°F or above**

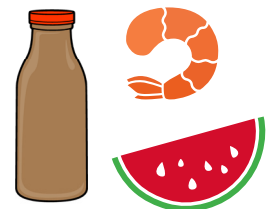
Cold foods must be kept at **41° F or below**

Cooked food must be cooled rapidly to a safe temperature.

### Examples of Foods That May Require TCS

Cut produce  
(cut tomatoes, melon, and lettuce)

Dairy, meat, and seafood



Many food rescue organizations can provide businesses with containers, pick up foods on a regular schedule, and provide businesses with documentation records. It matters to those who need it no matter the size or frequency of the donation.





## Licensed food establishments are protected under food donation laws and liability protections

The Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. § 1791) encourages food donations by providing liability protections for businesses that donate 'apparently wholesome' food in 'good faith' to nonprofit organizations. Extensive legal research does not indicate even a single legal case related to food donation liability.

New Jersey has also passed legislation to provide additional liability protection for donors. These laws protect donors that donate food to nonprofits unless the donor "knew or had reasonable grounds to believe" that the food was not fit for human consumption.

## Food donations may qualify for an enhanced tax deduction for your business

According to the Federal Tax Code, eligible businesses can deduct the lesser of either (a) twice the cost of acquiring the donated food or (b) the cost of acquiring the donated food plus half the food's expected profit margin if it were sold at fair market value. Businesses should contact their tax preparer to determine any application to their business.

## Labeling

All donations need to be labeled as **"Donated Food - Not for Resale."**

## Transporting

Licensed food facilities need to take all reasonable and necessary steps to maintain the integrity of the food that is being donated. If food cannot be delivered at proper temperatures, is adulterated, or is compromised in any way, then the food must be composted or discarded. Local health inspectors should be contacted for any questions on maintaining product.

**We encourage you do your part to support our municipality from reducing food waste and supporting food security. Start today and reach out to your local emergency food provider and see what they will accept.**

[Insert your logo here]



*The Rutgers Cooperative Extension, Center for EcoTechnology (CET), and Sustainable Jersey have worked together to develop this guidance document. This 2022 document provides guidance for New Jersey food waste generators on opportunities to donate food. The document consolidates federal and state regulations, including information on liability protection, health codes, and more.*

